

This is an interview summary based on the telephone conversation on May 8th and 9th 2008. Applicant's translation of Foreign Priority Documents (filed on 3/14/2008) was inadvertently not considered. The examiner has fully considered the translation of Foreign Priority Document. However, upon consideration, because translated Foreign Priority Document does not recite, nor disclose the polypeptide of SEQ ID NO: 4, it is unclear if the recited prior publication in the specification supports the SEQ ID NO: 4.

The request for reconsideration of 102(a) rejection based on filing of translated Foreign Priority Document (filed on 3/14/2008) has been considered, however, the translated document does not place the application in condition for allowance for the reasons stated above.

Also, as noted in the previous Advisory Action mailed out on 5/14/2008, Applicant's proposed amendment after final rejection, filed on 03/19/2008, is acknowledged, however, if entered would present new issues for consideration and/or search. In the claims of the amendment filed on 03/19/2008, Claims 23 has been amended to recite "the PEP-dependent phosphotransferase (PTS) pathway" instead of "a PEP-dependent phosphotransferase (PTS) pathway" in response to the previous Advisory action (mailed on 10/22/2007) as well as the previous Final Office Action (mailed on 6/12/2007) so that the amendment in Claim 23 would overcome pending 35 USC 102 (b) and (a) rejections. If the amendment is entered, the amended Claim 23 would refer to one specific PEP-dependent phosphotransferase pathway. This limitation has yet to be

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presented for examination on the merits if the amendment was entered; and would require further consideration and/or a new search.

As noted in the previous Advisory Action (mailed out 5/14/2008), the request for reconsideration in the reply filed on 03/19/2008 has been considered, however, the amendment does not place the application in condition for allowance. The amendment to the claims filed on 03/19/2008 has not been entered because the claims as amended raise new issues requiring further consideration. See MPEP § 714.13. However, in view of the non-entry of the amendment, applicant's arguments are not found persuasive to overcome the outstanding rejection(s) as set forth in the Office action mailed on 06/12/2007 for the reasons of record stated therein.